

**RESOLUTION NUMBER 21-22**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A CONSTRUCTION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF FORT MYERS BEACH FOR THE INSTALLATION OF STORMWATER IMPROVEMENTS WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Constitution of the State of Florida, and Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purpose, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach (“Town”) empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, the Town has the authority to enter into a Construction Agreement with the State of Florida Department of Transportation for the installation of Town stormwater improvements within right-of-way owned by the Florida Department of Transportation as further described in Contract Number: 2019-C-192-0006 (“Agreement”); and

**WHEREAS**, it is in the best interest of health, safety and welfare of the Town’s residents, business owners and visitors that the Town enters into the Agreement with FDOT in the form attached to this Resolution.

**NOW THEREFORE BE RESOLVED** by the Town of Fort Myers Beach as follows:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves the Agreement attached hereto as Exhibit “A”, between FDOT and the Town for the installation of Town stormwater improvements within FDOT right-of-way. The Town Manager is authorized to execute the Agreement and to expend budgeted funds on behalf of the Town.

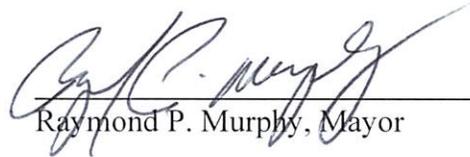
Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

**THE FOREGOING RESOLUTION** was adopted by the Town Council upon motion by Council Member Allers and seconded by Vice Mayor Hosafros, and upon being put to a vote, the result was as follows:

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Jim Atterholt, Council Member	aye
Bill Veach, Council Member	aye

ADOPTED this 19<sup>th</sup> day of April, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

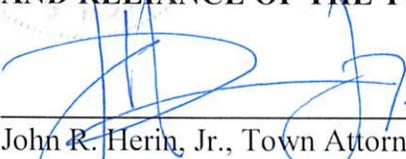
**TOWN OF FORT MYERS BEACH**

  
\_\_\_\_\_  
Raymond P. Murphy, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

  
\_\_\_\_\_  
John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20 day of April 2021.